

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHEET METAL WORKERS LOCAL 265)	
WELFARE FUND, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 12 C 9253
)	
AMERICAN CHUTE SYSTEMS, INC.,)	MAGISTRATE MARIA VALDEZ
an Illinois corporation,)	
)	
Defendant.)	

**PLAINTIFFS' MOTION TO ENFORCE SETTLEMENT AGREEMENT
AND FOR ENTRY OF CONSENT JUDGMENT**

NOW COME Plaintiffs, SHEET METAL WORKERS LOCAL 265 WELFARE FUND, *et al.*, by their attorneys, and move the Court for the entry of an order enforcing the terms of a settlement agreement entered into between the parties and for entry of a consent judgment against Defendant. In support of the Motion, Plaintiffs state as follows:

1. This action was originally brought by the Plaintiffs, the Trustees of the jointly-administered, labor-management employee benefit plans collectively known as the Sheet Metal Workers Local 265 Fringe Benefit Funds, alleging, *inter alia*, that Defendant breached its obligations under the terms of the collective bargaining agreement entered into with Local 265 of the Sheet Metal Workers' International Association, and the Agreements and Declarations of Trust under which the Plaintiff Funds are maintained. Specifically, Plaintiffs allege that Defendant failed to submit contribution reports and remit payment of fringe benefit contributions due thereon for work

performed on its behalf by beneficiaries of the Plaintiff Funds. The Complaint was brought pursuant to the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §§1132, 1145.

2. On August 27, 2013, the parties participated in a settlement conference before the Honorable Magistrate Maria Valdez. The parties agreed to terms for settlement of the instant action (a copy of the Notification of Docket Entry entered on August 27, 2013 [Doc. No. 22] is attached hereto as Exhibit A).

3. The parties agreed to settle the instant action by Defendant making a lump-sum payment to Plaintiffs in the amount of \$47,907.60 on or before October 1, 2013. Defendant also agreed that if it did not make the required payment of \$47,907.60 by October 1, 2013, that it agreed to the entry of a consent judgment against it for \$47,907.60.

4. On August 28, 2013, the parties executed a settlement agreement (a copy of the settlement agreement is attached hereto as Exhibit B).

5. On October 2, 2013, Defendant's counsel notified Plaintiffs' counsel that Defendant did not have the funds to pay Plaintiffs pursuant to the terms for settlement previously agreed to and set forth in the settlement agreement.

6. For all the reasons stated, the Plaintiffs hereby move the Court for the entry of an Order enforcing the terms of the settlement agreement and for entry of a consent judgment against the Defendant. Specifically, Plaintiffs request:

- A. That judgment be entered in favor of Plaintiffs and against Defendant in the amount of \$47,907.60 representing \$41,734.18 in contributions, \$4,173.41 in liquidated damages and \$2,000.00 in attorneys' fees.
- B. That Plaintiffs are entitled to immediate execution of this consent judgment.

- C. That Plaintiffs have such further relief as may be deemed just and equitable by the Court.

/s/ Jennifer L. Dunitz-Geiringer

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that on or before the hour of 5:00 p.m., this 14th day of October 2013, she electronically filed the foregoing document (Motion) with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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